



PTO/SB/64 (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
ZE006US

First named inventor: Kia Silverbrook

Application No.: 10728,924

Art Unit: 1765

Filed: December 8, 2003

Examiner: Shamim Ahmed

Title: Method of Fabricating an Ink Jet Printhead Chip Having Actuator Mechanisms Located About Ejection Ports

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,700.00.

- ☐ has been paid previously on 07/19/2006 MBEYENE2 00000001 10728924
- ☒ is enclosed herewith.

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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

*Kia Silverbrook and Gregory John McAvoy*      July 13, 2006  
Signature      Date

Kia Silverbrook and Gregory John McAvoy      \_\_\_\_\_  
Typed or printed name      Registration Number, if applicable

393 Darling Street, Balmain, NSW 2041, Australia      +61-2-9818-6633  
Address      Telephone Number

\_\_\_\_\_  
Address

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing certificate



USSN 10/728,924

Attachment to:  
Form PTO/SB/64 (10-00)

STATEMENT OF UNINTENTIONAL DELAY

In support of Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), the Applicant respectfully submits the following.

The Issue Fee Transmittal form was faxed to the USPTO on April 10, 2006, together with a credit card payment form. The deadline for payment being April 10, 2006, the Applicant believed that he had fulfilled the deadline requirements. Copies of the fax transmission sheets and documents faxed are attached.

Payment of Issue Fee was made on the date the Issue fee was due, i.e. on April 10, 2006, and the Applicant was unaware that the credit card would be declined. The Applicant wishes to point out that he has experienced many problems with the credit card system used by the USPTO. The problems being that payments have been declined when on checking status with his bank, advice is received that sufficient funds are available in the account.

To overcome this problem with the credit card payment system, the Applicant now attaches a US bank draft to cover payment of the petition fee and the issue fee, amounting to US\$3,200.00.

As you will see from the above, the Applicant had every intention of paying the issue fee.

The Applicant respectfully request that the patent now be issued.

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Applicant - Kia Silverbrook

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Applicant - Gregory John McAvoy

July 13, 2006